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January 6, 1995

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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Re: Claircom Communications Group, L.P.
Comments In ET Docket No. 94-32

Dear Mr. Caton:

Enclosed on behalf of Claircom Communications Group, L.P. ("Claircom") is an original and five copies of reply comments in the above-referenced docket. Also enclosed is an extra copy to be date stamped and returned to us.

Please direct any inquiries regarding this matter to the undersigned.

Sincerely,

Michael Ray

Tom W. Davidson, P.C.
Michael S. Ray

Enclosure

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Allocation of Spectrum Below) ET Docket No. 94-32
5 GHz Transferred From)
Federal Government Use)
)
TO: The Commission

REPLY COMMENTS OF CLAIRCOM COMMUNICATIONS GROUP, L.P.

Claircom Communications Group, L.P. ("Claircom"), by its attorneys, hereby files these reply comments in response to the comments filed by In-Flight Phone Corporation ("In-Flight") in the above-captioned proceeding. While Claircom generally supports In-Flight's proposal to allocate a portion of the radiofrequency spectrum for a live, multi-channel broadband audio and video programming service ("AAVS") for airline passengers, Claircom believes that the public interest will be served best by the development of nationwide broadband, interactive (two-way) services between the ground and aircraft, rather than the one-way AAVS proposed by In-Flight.

I. Background

In this rulemaking proceeding, the Federal Communications Commission ("FCC") proposes to reallocate 50 MHz of spectrum formerly used by the federal government in the bands 2390 to 2400 MHz, 2402 to 2417 MHz, and 4660 to 4685 MHz, to private sector use. In response to a request by In-Flight, the FCC sought

II. The FCC Should Allocate A Portion of the Radiofrequency Spectrum For an Interactive Broadband AAVS

Claircom reiterates its support of In-Flight's proposal to allocate radiofrequency spectrum for AAVS, but still believes the FCC should examine other spectrum options for AAVS before allocating the spectrum proposed by In-Flight for such a new service. The limited amount of spectrum available for air-to-ground service coupled with the strict frequency sharing requirements (individual voice channels of 6 KHz each) effectively foreclose air-to-ground operators from using existing air-to-ground spectrum to provide the much needed broadband, interactive services to consumers on aircraft. These services will be possible only if a significant amount of additional spectrum is earmarked for AAVS.

An important development in telecommunications technology is the emerging ability to exchange text, data, video, and multimedia information in addition to voice communications. Any allocation of spectrum for AAVS must enable these services to be provided to meet the needs of the airline traveller. In-Flight's proposal for AAVS is not adequate to support the delivery of such broadband, interactive information services. Rather, In-Flight proposes the allocation of 5 MHz of spectrum to each of two AAVS licensees to provide one-way service to aircraft. As an initial matter, such an approach would effectively preclude robust competition among the existing air-to-ground operators in the provision of AAVS. Claircom supports the authorization of AAVS

comments on a proposal to allocate a portion of that spectrum (i.e., 2390-2400 MHz) to broadband AAVS.

In its comments filed in this proceeding on December 19, 1994, Claircom supported In-Flight's proposal to allocate a portion of the available radiofrequency spectrum for a broadband AAVS to be used by commercial air-to-ground providers. Claircom Comments at 1. However, Claircom opposed In-Flight's proposal to allocate spectrum for one-way AAVS. Id. at 5. Rather, Claircom established that the public interest would be served best by the competitive development of broadband, interactive (two-way) services between the air and ground that is not tied to any one standard. Id.

In-Flight, in its comments filed December 19, 1994, reiterated its support for the allocation of the 2390-2400 MHz band to AAVS. In-Flight Comments at 1. According to In-Flight, the 2390-2400 MHz band should be allocated to AAVS for five reasons: (1) AAVS can co-exist with co-channel amateur radio operations; (2) AAVS would satisfy the demand for diverse, live programming by the many people who travel by air; (3) In-Flight can provide AAVS almost immediately upon issuance of a license for the service; (4) AAVS would provide much-needed revenue for the airline industry; and (5) a regulatory structure to govern AAVS can be implemented easily. Id. at ii-iii. In its Comments, In-Flight proposes awarding two 5 MHz licenses in the 2390-2400 MHz band for AAVS. Id. at 18.

within a regulatory framework that will allow multiple, competing carriers to provide AAVS with different technologies.

To further encourage competition and support the delivery of broadband interactive AAVS, providers must have access to paired duplex channels of at least 2 MHz each (for a total of 4 MHz per pair), with sufficient channel spacing to prevent interference. The one-way broadcast model proposed by In-Flight will not be adequate to respond to the business and personal needs of today's airline passengers. Instead, the Commission should make spectrum commercially available under a regulatory structure that enables the delivery of nationwide two-way communications services through technical means that are not tied to a single standard. In this manner, the FCC can ensure that sufficient spectrum will be available for the development of duplex broadband AAVS services to airline passengers.

IV. CONCLUSION

Claircom supports the allocation of a sufficient amount of spectrum to enable air-to-ground providers to implement a broadband, two-way AAVS service to their customers. However, Claircom believes that the FCC should examine other spectrum options for AAVS before allocating the spectrum proposed by In-Flight for such a new service. Moreover, any regulatory scheme adopted for AAVS must, in addition to allowing for two-way capability, provide operators with access to a minimum of paired

duplex channels of at least 2 MHz each with sufficient channel capacity to prevent interference.

Respectfully submitted,

CLAIRCOM COMMUNICATIONS GROUP, L.P.

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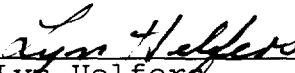
January 6, 1995

CERTIFICATE OF SERVICE

I, Lyn Helfers, an employee of Akin, Gump, Strauss, Hauer & Feld, L.L.P., certify that copies of the foregoing Petition for Reconsideration were sent via first-class mail on this 6th day of January 1995, to the following parties:

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